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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,797	12/20/2004	Hideo Tsukazaki	261349US6PCT	9874
22850	7590	07/08/2008		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER COPPOLA, JACOB C	
			ART UNIT 3621	PAPER NUMBER
			NOTIFICATION DATE 07/08/2008	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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***Election of Species***

1. This application contains claims directed to the following patentably distinct species of the claimed invention:

Species A

Species A1: Represented by Figure 2 of the original specification.

Species A2: Represented by Figure 17 of the original specification.

Species B

Species B1: Represented by Figure 12 of the original specification.

Species B2: Represented by Figure 34 of the original specification.

2. Applicants are required under 35 U.S.C. §121 to elect a single disclosed species from each Species group (*e.g.* Applicant may elect A1 and B2) for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim is considered generic.
3. There is an examination and search burden for these patentably distinct species due to their mutually exclusive characteristics. The species require a different field of search (*e.g.*, searching different classes/subclasses or electronic resources, or employing different search queries); and/or the prior art applicable to one species would not likely be applicable to another species; and/or the species are likely to raise different non-prior art issues under 35 U.S.C. §101 and/or 35 U.S.C. §112, first paragraph.

4. Applicants are advised that the reply to this requirement to be complete must include (i) an election of a species to be examined even though the requirement may be traversed (37 C.F.R. §1.143) and (ii) identification of the claims encompassing the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

5. If Applicants in their response to this Election of Species expressly state that the Species A and/or Species B (or any subcombination of) as noted above are not patentably distinct and should Applicants provide evidence that Species A and/or B are not patentably distinct, the Examiner may withdraw this Election of Species.

6. The election of the species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the election of species requirement, the election shall be treated as an election without traverse. Traversal must be presented at the time of election in order to be considered timely. Failure to timely traverse the requirement will result in the loss of right to petition under 37 C.F.R. §1.144. If claims are added after the election, or in other words, if claim are added in response to this Election of Species or in any future amendment, Applicants must indicate (at the time the newly added claims are submitted) which of these newly added claims are readable on the elected species.

7. Should Applicants traverse on the ground that the species are not patentably distinct, Applicants should submit evidence or identify such evidence now of record

showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the species unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. §103(a) of the other species.

8. Upon the allowance of a generic claim, Applicants will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 C.F.R. §1.141.

### **Conclusion**

9. Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to Jacob C. Coppola whose telephone number is (571) 270-3922. The Examiner can normally be reached on Monday-Friday, 9:00 a.m. - 5:00 p.m. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Andrew Fischer can be reached at (571) 272-6779.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, please contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

/Jacob C Coppola/  
Examiner, Art Unit 3621  
June 30, 2008

/ANDREW J. FISCHER/  
Supervisory Patent Examiner, Art Unit 3621